

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

PHILIP J. CHARVAT,

Plaintiff,

v.

**Civil Action 2:16-cv-120
Judge James L. Graham
Magistrate Judge Jolson**

SHAMPAN LAMPORT, LLC,

Defendant.

ORDER

This matter is before the Court on Plaintiff's Motion to Compel Discovery Responses. (Doc. 23). Defendant has filed an Opposition to Plaintiff's Motion, making the same argument it makes in support of its pending Motion to Dismiss (Doc. 15)—that Plaintiff filed this lawsuit to circumvent the stay in another action, namely *Charvat v. National Holdings Corp.*, Case No. 14-cv-2205 (S.D. Ohio filed November 11, 2014). (Doc. 23). Because that issue is currently before the District Judge for resolution, the undersigned DENIES the Motion to Compel (Doc. 23) without prejudice to refile after the Motion to Dismiss has been decided. In light of this ruling, the dates set forth in the Court's Preliminary Pretrial Order (Doc. 19) are VACATED. If the case remains pending, this Court will schedule a reconvened Preliminary Pretrial Conference after resolution of the Motion to Dismiss.

Motion to Reconsider

Any party may, within fourteen days after this Order is filed, file and serve on the opposing party a motion for reconsideration by a District Judge. *See* 28 U.S.C. § 636(b)(1)(A); Fed. R. Civ. P. 72(a); Eastern Division Order No. 14-01, pt. IV(C)(3)(a). The motion must

specifically designate the Order or part in question and the basis for any objection. Responses to objections are due fourteen days after objections are filed and replies by the objecting party are due seven days after. The District Judge, upon consideration of the motion, shall set aside any part of this Order found to be clearly erroneous or contrary to law.

This Order is in full force and effect even if a motion for reconsideration has been filed unless it is stayed by either the Magistrate Judge or District Judge. S.D. Ohio Civ. R. 72.3.

IT IS SO ORDERED.

Date: October 3, 2016

/s/ Kimberly A. Jolson
KIMBERLY A. JOLSON
UNITED STATES MAGISTRATE JUDGE